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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,503	12/01/2003	David T. Murray		9995

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EXAMINER

ROYAL, PAUL

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,503

Applicant(s)

MURRAY ET AL.

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6-8,10-12 and 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,9,13 and 18 is/are rejected.
- 7) ☐ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to because the Specification indicates there is a mounting clip 33 as well as a mounting clip 33A however the drawings do not show mounting clip 33. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

2. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising:

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Species I, Figures 1, 2, 7, 8, and 22,

Species II, Figure 3,

Species III, Figures 4-6,

Species IV, Figures 9-12,

Species V, Figures 13 and 14,

Species VI, Figures 15-21,

Species VII, Figures 23-24,

Species VIII, Figures 25-26.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. During a telephone conversation with David m. Sambrook on 1/5/05 a provisional election was made without traverse to prosecute the invention of Species I, claims 1, 2, 5, 9, 13 and 18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 3, 4, 6-8, 10-12, and 14-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 9, 13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisgerber (US 4,794,714) in view of Wassell (US 4,712,761).

Weisgerber teaches a picture display system having in combination:

a picture module (14) to hold individual pictures;

a self supporting display sleeve (12) that is shaped and sized to hold at least one of said picture module and having two opposing receiving channels (52);

a connector channel (62) for connecting said display sleeve;

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a backer board (64) wherein a plurality of display sleeve are attached to the backer board to thereby forming a picture plaque, see Figures 4-7 .

Weisgerber does not clearly teach a plurality of accessory components that function to support said display sleeve.

Wassell teaches a plurality of accessory components (12) that function to support a display sleeve (48) to provide a support which is inexpensive and simple to install.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the picture display of Weisgerber, as applied to claim 1, to include a plurality of accessory components that function to support a display sleeve, as taught by Wassell, to provide a support which is inexpensive and simple to install.

For claim 9, Weisgerber teaches the frame/display sleeve is supportable on or against any surface.

For claim 13, note Weisgerber teaches the frame/display sleeve can be made from plastic, which is generally understood to indicate a monolithic material. Note that machining channels into the frame/display sleeve is understood to present a method of manufacturing the invention and is not given patentable weight in the claims drawn to the picture display system apparatus because other methods of manufacturing the picture display system apparatus, such as by use of molds rather than machining, can produce the same invention.

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6. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisgerber in view of Wassell, as applied to claim 1, in further view of Candor (3,965,594).

Weisgerber in view of Wassell, as applied to claim 1, teaches a picture display system having the claimed limitations except wherein the picture module includes a mounting panel which supports and protects a picture and two mounting clips that secure a picture to said mounting panel.

Candor teaches a frame construction wherein the picture module includes a mounting panel (51) which supports and protects a picture and two mounting clips (12) that secure a picture to said mounting panel to provide a picture like frame which holds pictures which are hingedly stacked.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the picture display system of Weisgerber in view of Wassell, as applied to claim 1 to include wherein the picture module includes a mounting panel which supports and protects a picture and two mounting clips that secure a picture to said mounting panel, as taught by Candor, to provide a picture like frame which holds pictures which are hingedly stacked.

Allowable Subject Matter

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show a picture display system as recited in the independent claim and as applicable to the dependent claims which includes the picture module including a mounting clip having dual lip guides, and dual strain relief grooves.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parrilla teaches interconnected picture frames. Belmuth et al. teaches a picture frame assembly. Mariotti teaches picture frames. Beaulieu teaches a framing system. McGrath et al. teaches a photo tree. Cassrd teaches a clip device. De Maat et al. teaches a grid frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal
1/10/05

Paul Royal
Examiner
Art Unit 3611



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